

COUNCIL FOR LICENSING HEARING INSTRUMENT SPECIALISTS

MINUTES

Date: April 2, 2004

Time: 9:00 a.m.

Location: Cumberland Room, Ground Floor
Cordell Hull Building
425 5th Ave. North
Nashville, TN 37247-1010

Members Present:

Dr. David Levy, Chairman
Mr. Thomas A. Stewart, Secretary
Dr. Charles Everett Winfrey, Sr., Citizen Member
Dr. Robert E. Bowers, Physician

Staff Present:

Marva Swann, Board Director
Bonnie Ferrell, Administrator
Jerry Kosten, Rules Coordinator
Ernest Sykes, Advisory Attorney
Lea Phelps, Disciplinary Coordinator
Robbie Bell, Director of Health Related Boards

Dr. David Levy, Chairman, determined that a sufficient number of council members were in attendance to constitute a quorum and called the meeting to order at 9:15a.m.

Conflict of Interest

Mr. Earnest Sykes reviewed the Conflict of Interest Policy and reminded the Council members of their responsibility under the policy.

O.G.C. Report

Mr. Sykes reviewed the following Rules:

1370-.06,.07,.08 – Fee Increase; Exams; Temporary Permit. Became effective July 1, 2003.

1370-2-.12,.15 – Pre-Approval of Continuing Education Programs, Assessment of Costs. Will go before the Council for final approval.

1370-2-.15 – Disciplinary Actions, Orders of Compliance, and Order Modifications. Will go before the Council for final approval.

1370-2.04,.05,.08 – Preliminary Qualifications for Licensure, Procedures for Licensure, and Examination – Before the Council for initial authorization for a rule-making hearing, which, if approved, will be held on June 18, 2004.

Litigation

Mr. Sykes informed the Council that there were no cases to be presented during this meeting.

Dr. Levy expressed concern over lack of contested cases before the Council and requested to meet with the litigating attorney to discuss complaints. He stated that as the Council Chair, would like to have some input on processing complaints.

Mr. Sykes stated that he appreciated Dr. Levy's concerns, but advised him that if he has previous knowledge of a complaint, he must recuse himself if it comes before the Council. Mr. Sykes stated he would meet with the litigating attorney and inform him of Dr. Levy's concerns.

Dr. Levy then requested to meet with Mr. Sykes. Mr. Sykes said he would meet with him, but no date was set at this time.

Rules

Mr. Jerry Kosten requested a vote be taken to authorize a rule-making hearing for amendments on following rules:

1. 1370-2-.04 - Preliminary Qualifications for Licensure
2. 1370-2-.05 - Procedures for Licensure
3. 1370-2-.08 - Examinations.

Mr. Thomas Stewart made a motion to authorize a rulemaking hearing on these amendments as written. Dr. Charles Winfrey seconded the motion and it carried.

Mr. Kosten informed the Council that there were no comments at the rule-making hearing held on December 23, 2003, regarding amendments to the following Rules:

1. 1370-2-.15 - Disciplinary Actions, Civil Penalties, Informal Settlements, Assessment of Costs, and Subpoenas.

Mr. Stewart made a motion to adopt Rule Amendments as written, Dr. Winfrey seconded the motion. Ms. Bonnie Ferrell took a roll call vote and all council members present voted yes.

Mr. Kosten stated that there were no comments at the rule-making hearing held on January 5, 2004, regarding amendments to the following Rule:

1. 1370-2-.12 – Continuing Education, Calibration Certificates, and Bills of Sale.
2. 1370-2-.15 – Disciplinary Actions, Civil Penalties, Informal Settlements, Assessment of Costs, and Subpoenas.

Mr. Stewart made a motion to adopt Rule Amendments as written, Dr. Winfrey seconded the motion.

Ms. Ferrell called for a roll call vote and all Council members present voted yes.

Ms. Robbie Bell presented the improved disciplinary process that is to be added to the rules of every Board. Every licensee that has had disciplinary action taken against them must petition the Board/Council for an Order of Compliance when they complete their probation, suspension, special classes, etc. The licensee may request an Order of Modification only if there is some reason they cannot fulfill what is required due to some fault not of their own making. Mr. Stewart made a motion to adopt this disciplinary process, Dr. Winfrey seconded the motion and it carried.

Mr. Levy stated that the Council would like to make an amendment to Rule 1370-2-.12, Continuing Education. The Council would like to amend it to require every licensee to have two (2) hours of the twenty hours required every renewal cycle be on the Laws, Rules and Regulations. These could be acquired after each Council meeting or after the Association Meeting, with the Council reviewing the Laws, Rules, and Regulations with licensees. Ms. Bell stated that the class could be flexible and could be held anytime or anywhere. Ms. Bell requested Ms. Bonnie Ferrell to Sunshine this matter for the next Council meeting.

Ms. Ferrell presented a Policy that has been adopted by other Boards regarding penalties for licensees that have let their license expire. The Council decided on a \$100.00 penalty per month after the license has expired for ninety days retroactive to the date it expired. They must also pay the reexamination fee and retake the practical exam. Mr. Stewart made a motion to except this amendment. Dr. Winfrey seconded the motion and it carried. The Policy will be presented to the Council at their next meeting.

Dr. Levy presented his concerns regarding the selling of hearing aids on e-bay. Mr. Sykes said that this practice was illegal. He said he would send a Cease and Desist letter to Mr. Paul Decker, the individual that is advertising on e-bay informing him that it is illegal in the state of Tennessee to sell a hearing aid without the purchaser being tested.

Minutes:

After review, Mr. Stewart made a motion to approve the minutes from the October 6, 2003 Council meeting as written. It was seconded by Dr. Robert E. Bowers and carried unanimously.

Examinations:

Dr. Levy stated that he would split the new Practical exam into two separate exams and bring them to the next Council meeting. Dr. Bowers is going to update the Jurisprudence and the Audio exams and submit them at the next meeting for approval.

Continuing Education:

Ms. Ferrell informed the Council that she conducted an audit on continuing education and that only one licensee failed to comply. This licensee's file was sent to investigations.

Investigations

Ms. Lea Phelps reviewed the investigation report and chart which indicated the status of complaints.

ADMINISTRATORS/DIRECTORS REPORT

March, 2004

This is an Administrative Report from Bonnie Ferrell, Board Administrator and Marva Swann, Board Director. The information contained in this report will keep the Board aware of all essential activity pertaining to board licensure for Hearing Instrument Specialists.

Following are total active licensees, retired licensees, and failed to renew licensees.

STATISTICAL REPORT

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|---|
| HEARING INSTRUMENT SPECIALISTS |
| Active Licensees – 109 |
| Retired Licensees – 123 |
| Failed to Renew – 249 |

PERFORMANCE MEASURES

The Division has implemented a Continuous Quality Improvement Performance program. We have established time frames, called benchmarks to measure our performance in certain areas. The performance measures report gives the number of days it takes from the date the application is received until the license is issued and the turn around time on renewals. The benchmark for applications is 100 days and the benchmark for renewals is 14 days. The following chart outlines the measures for 2004 calendar year.

| <i>Measure</i> | <i>Goal</i> | <i>Average 1st Qtr</i> |
|-----------------------------|-------------|---------------------------------------|
| Renewal Processing Time | 14 days | 10.3 days |
| Application Processing Time | 100 days | 58 days |

Due to the online renewal system, we have automated the renewal system for Hearing Instrument Specialists. Before the change to this system, each renewal was processed manually. The system

is now automated and requires no additional staff time unless there is an issue with the renewal. This has allowed us to meet the established benchmark during the 3rd quarter.

INTERNET

The Board's internet website is an excellent location to place valuable Board information for licensees and applicants. Please visit the site at www.tennessee.gov, scroll to the end of the page and choose A-Z Departments and Agencies – choose “for the Department of Health, then select the Department of Health”. On the department's homepage, choose Licensing, which is located on the bar at the top of the page, click on Health Professional Boards; then select the Council on Hearing Instrument Specialists. Please visit the site and let us know if you have anything you would like to add under the noteworthy section.

RENEWALS

Four licensees renewed the Month of February; none of them renewed on line.

BUDGET ISSUES

The freeze is still on all out of state travel unless it is an emergency or in mandatory situations only. In-state travel is to be limited to the maximum extent possible. There is also a freeze on all equipment purchases and new hires.

CURRENT PROJECTS

Ms. Ferrell conducted an audit of continuing education in July, 2003 for the year 2002. Thirty two licensees were audited. Of the thirty-two Audited only one failed to meet the requirements and that file has been sent to investigations.

Recess:

The meeting recessed at 10:30am to administer examinations. The Council reconvened at 2:00pm

Ratifications

Mr. Stewart made a motion to grant full licensure to the following applicants due to passage of the examinations.

Ron Van Eaton
Michelle R. Crawford

Dr. Bowers seconded the motion and it carried.

Mr. Stewart made a motion to grant an Apprentice license to the following applicants due to their passing the examinations. The motion was seconded by Dr. Winfrey and the motion carried.

Lori K. German

Caroline G. Gablmann, pending her passing the written Apprentice examination.

Dr. Winfrey seconded the motion and the motion carried.

Mr. Stewart made a motion to deny Apprentice licensure to the following applicants due to failure of examinations.

Kenneth R. Haney

Jason A. Hodge

Dr. Winfrey seconded the motion and the motion carried.

Adjournment

With no further business, Mr. Stewart motioned to adjourn, seconded by Dr. Winfrey. The motion carried and the meeting was adjourned at 2:30 p.m.

Council Chair

BF/G3014111/HIS